

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

HELENE R. ROBINSON,
Plaintiff,

v.

PNC BANK and LINDEN
VOLKSWAGEN,
Defendants.

and

HELENE R. ROBINSON,
Plaintiff,

v.

PNC BANK,
Defendant.

Civil No. 2:13-cv-07818 (SRC-CLW)

Civil No. 2:14-cv-05676 (SRC-CLW)

MEMORANDUM OPINION AND ORDER

SIMANDLE, Chief Judge:

These matters come before the undersigned Chief Judge upon motions filed by Plaintiff Mary Robinson, seeking the intervention of the undersigned with regard to these civil actions that are assigned to the Honorable Stanley R. Chesler in the Newark vicinage, namely:

- Motion to Reopen Case [Docket Item 42 in 2:13-cv-07818];
- Motion to Inspect the Unsigned Motor Vehicle Retail Sales Contract [Docket Item 43 in 2:13-cv-07818];
- Motion to Reopen Case [Docket Item 24 in 2:14-cv-05676]; and
- Motion to Inspect the Unsigned Motor Vehicle Retail Sales Contract [Docket Item 25 in 2:14-cv-05676];

Plaintiff's motions express her dissatisfaction with the decisions of Judge Chesler in these related cases, and Plaintiff seeks to have the undersigned "review and reopen the above referenced cases," see Notice of Motion [Docket Item 42 in 2:13-cv-07818 and Docket Item 24 in 2:14-cv-05676].

Judge Chesler had earlier determined that Plaintiff Robinson's dispute with a car dealer and bank were subject to arbitration under the parties' agreement, as explained in his Opinion and Order of April 30, 2014 [Docket Items 17 & 18 in 2:13-cv-07818], as well as in his Opinion and Order of January 21, 2015 [Docket Items 37 & 38 in 2:14-cv-07818 and Docket Items 17 & 18 in 2:14-cv-05676]. Plaintiff appealed the dismissal order in 2:14-cv-05676, which was affirmed by Judgement of the Court of Appeals filed November 23, 2015 [see Docket Item 22 in 2:14-cv-05676].

Meanwhile, the underlying dispute went to arbitration and recently Defendant PNC Bank has filed motions to reopen 2:13-cv-07818 and to confirm the arbitration award [Docket Items 39 & 40 in 2:13-cv-07818] on March 9, 2017, which motions are pending before Judge Chesler.

Addressing only Plaintiff's present motions seeking for the undersigned Chief Judge to reopen and review these cases, these requests will be denied. Review of the Orders of a District Judge is available only by proper appeal to the Court of Appeals;

there is no procedure for a Chief District Judge to review the determinations made by a fellow District Judge.

To the extent Plaintiff Robinson's motions could be interpreted as a request to have these cases reassigned from Judge Chesler to the undersigned, that request will be denied. A Chief Judge has authority to reassign cases from one District Judge to another under Local Civil Rule 40.1(e) pertaining to reallocation (from one vicinage to another) and reassignment (from one judge to another). There is no just cause to reassign these cases from Judge Chesler's docket. He has handled both matters from their inception and is most familiar with them and both dockets demonstrate the fact that he has given careful consideration to the matters assigned to him. That one party or another is dissatisfied with a judge's rulings is not a reason to reassign a case. Moreover, a party does not have a right to choose the judge who will hear his or her case.

Finally, with regard to Ms. Robinson's desire to review the matters heard in arbitration, Judge Chesler's prior opinion of January 21, 2015 indicated: "To the extent Plaintiff later wishes to challenge any determination made in the arbitration proceedings, such an argument would be appropriate once a motion to confirm or deny the arbitration is made." Opinion of January 21, 2015 at pp. 4-5. Such issues are for Judge Chesler, not the undersigned, to decide.

Accordingly, IT IS this 18th day of **April, 2017** hereby

ORDERED that Plaintiff Robinson's motions [Docket Items 42 & 43 in 2:13-cv-07818, and Docket Items 24 & 25 in 2:14-cv-05676] are DENIED to the extent these motions seek review by, or reassignment of these cases to, the undersigned; the rest of Plaintiff's arguments in said motions remain before the Honorable Stanley R. Chesler.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Court